UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,290	01/11/2002	Jagadish Bandhole	020706-000910US	6856

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EXAMINER
FOWLKES, ANDRE R

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/044,290	BANDHOLE ET AL.
	Examiner	Art Unit	
	Andre R. Fowlkes	2122	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 April 2002_.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 April 2002_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-21 are pending.

Drawings

2.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because the drawings are informal. Applicant is advised to employ the

services of a competent patent draftsperson outside the Office, as the U.S. Patent and

Trademark Office no longer prepares new drawings. The corrected drawings are

required in reply to the Office action to avoid abandonment of the application. The

requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by White,

U.S. Patent No. 5,896,530.

As per claim 1, White discloses a **method of using a dynamic computing**

environment ("DCE") for a plurality of phases in a software lifecycle, (col. 1:12-17,

"This invention relates ... to a system and method (i.e. a DCE) enabling a plurality of

computers and associated computer resources, some or all of which may be

heterogeneous in configuration, to cooperatively process a variety of (software lifecycle)

applications"), **the method comprising:**

  - configuring the dynamic computing environment for a first phase in the

plurality of phases (col. 3:40-44, "a system and method of computer software

architecture for enabling a plurality of computers, and associated computer resources,

some or all of which may be heterogeneous in configuration, to cooperatively process

applications (i.e. phases)"),

  - using the configured dynamic computing environment in the first phase

(col. 3:40-44, "a system and method of computer software architecture for enabling a

plurality of computers, and associated computer resources, some or all of which may be

heterogeneous in configuration, to cooperatively process applications (i.e. phases)"),

  - configuring the dynamic computing environment for a second phase in

the plurality of phases (col. 3:40-44, "a system and method of computer software

architecture for enabling a plurality of computers, and associated computer resources,

some or all of which may be heterogeneous in configuration, to cooperatively process

applications (i.e. phases)"),

  - using the configured dynamic computing environment in the second

phase (col. 3:40-44, "a system and method of computer software architecture for

enabling a plurality of computers, and associated computer resources, some or all of

which may be heterogeneous in configuration, to cooperatively process applications (i.e.

phases)").

As per claim 2, the rejection of claim 1 is incorporated and further, White

discloses that **the plurality of phases comprise a development phase** (col. 4:22,

"enabling development of application(s)").

As per claim 3, the rejection of claim 2 is incorporated and further, White

discloses:

- **using the configured DCE for a first task** (col. 3:40-44, "a system and

method of computer software architecture for enabling a plurality of computers, and

associated computer resources, some or all of which may be heterogeneous in

configuration, to cooperatively process applications (i.e. multiple tasks processed

simultaneously)"),

- **using the configured DCE simultaneously with the first task for a second**

task (col. 3:40-44, "a system and method of computer software architecture for

enabling a plurality of computers, and associated computer resources, some or all of

which may be heterogeneous in configuration, to cooperatively process applications (i.e.

multiple tasks processed simultaneously)").

As per claim 4, the rejection of claim 1 is incorporated and further, White

discloses that **the plurality of phases comprise an integration phase** (col. 4:25-26,

"enabling applications to be tested as large integrated applications").

As per claim 5, the rejection of claim 4 is incorporated and further, White

discloses **using the DCE for integrating the software** (col. 4:25-26, "enabling

applications to be tested as large integrated applications").

As per claim 6, the rejection of claim 1 is incorporated and further, White

discloses that **the plurality of phases comprise a testing phase** (col. 4:25-26,

"enabling applications to be tested").

As per claim 7, the rejection of claim 6 is incorporated and further, White

discloses **re-confirming a clean environment in the DCE during the testing phase**

(col. 18:3-5, "when installing an application in a new system or when redeploying a new

release of an application").

As per claim 8, the rejection of claim 1 is incorporated and further, White

discloses **a beta testing phase** (col. 4:25-26, "enabling applications to be tested").

As per claim 9, the rejection of claim 8 is incorporated and further, White

discloses **installing software on the DCE, wherein using the configured dynamic**

computing environment comprises beta testing the software using the DCE (col.

18:3-5, "when installing an application in a new system or when redeploying a new

release of an application", and col. 4:25-26, "enabling applications to be tested").

As per claim 10, the rejection of claim 1 is incorporated and further, White

discloses **a staging phase** (col. 10:12, "(the system) provides for development of

applications that execute under control of the IET through the user interface, and

performs background functions at each stage of the application development. These

stages can be defined as definition (i.e. staging), composition, construction and

deployment").

As per claim 11, the rejection of claim 10 is incorporated and further, White

discloses **installing a new version of the software, wherein using the configured**

dynamic computing environment comprises enabling access for at least one user

to the new version of the software (col. 18:3-5, "when installing an application in a

new system or when redeploying a new release of an application").

As per claim 12, the rejection of claim 1 is incorporated and further, White

discloses **a deployment phase** (col. 10:12, "(the system) provides for development of

applications that execute under control of the IET through the user interface, and

performs background functions at each stage of the application development. These

stages can be defined as definition (i.e. staging), composition, construction and

deployment").

As per claim 13, the rejection of claim 12 is incorporated and further, White

discloses **testing the software; and updating the software if updates are required**

(col. 4:25-26, "enabling applications to be tested", and col. 4:19-20, "providing real time

application upgrades").

As per claim 14, the rejection of claim 1 is incorporated and further, White

discloses that **the software lifecycle comprises a shrink-wrap lifecycle** (col. 10:12,

"(the system) provides for development of applications that execute under control of the

IET through the user interface, and performs background functions at each stage of the

application development. These stages can be defined as definition (i.e. staging),

composition, construction and deployment", and the White system allows all of the

operations performed during shrink wrap lifecycle development).

As per claim 15, the rejection of claim 1 is incorporated and further, White

discloses that **the software lifecycle comprises a web site lifecycle** (col. 10:12, "(the

system) provides for development of applications that execute under control of the IET

through the user interface, and performs background functions at each stage of the

application development. These stages can be defined as definition (i.e. staging),

composition, construction and deployment", and the White system allows all of the

operations performed during website lifecycle development).

As per claim 16, the rejection of claim 1 is incorporated and further, White

discloses that **the software lifecycle comprises an ASP lifecycle** (col. 10:12, "(the

system) provides for development of applications that execute under control of the IET

through the user interface, and performs background functions at each stage of the

application development. These stages can be defined as definition (i.e. staging),

composition, construction and deployment", and the White system allows all of the

operations performed during ASP lifecycle development).

As per claims 17-19, this is another method version of the claimed method

discussed above, in claims 1-16, wherein all claimed limitations have also been

addressed and/or cited as set forth above. For example, see Whites portable and

dynamic distributed applications architecture (col. 137:7-144:38).

As per claim 20, this is an apparatus version of the claimed method discussed

above, in claim 1, wherein all claimed limitations have also been addressed and/or cited

as set forth above. For example, see Whites portable and dynamic distributed

applications architecture (col. 137:7-144:38).

As per claim 21, this is a system version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see Whites portable and dynamic distributed applications architecture (col. 137:7-144:38).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WEI Y. ZHEN
PRIMARY EXAMINER

ARF